

**UNITED STATES DISTRICT COURT  
DISTRICT OF NEW JERSEY**

**RONALD ROWELL and JOANN  
ROWELL**

**Plaintiffs,**

**v.**

**NATIONAL FREIGHT, INC.,  
KING TRANSPORTATION, and  
CLAUDEMIR SILVA, individually and  
d/b/a KING TRANSPORTATION**

**Defendants.**

**Civil Action No. 12-2294 (ES)**

**SALAS, District Judge**

This action comes before the Court on the motion of Plaintiffs Ronald Rowell and Joann Rowell for default judgment pursuant to Federal Rule of Civil Procedure 55(b)(2); and the Court, having considered Plaintiff's submissions, and it appearing that:

1. Plaintiffs commenced this civil action on April 5, 2012. (*See* D.E. No. 1).
2. Plaintiffs filed an Amended Complaint on December 4, 2012. (*See* D.E. No. 16).
3. On May 24, 2013, Plaintiffs filed a motion requesting that default judgment be entered against Defendant King Transport, Inc. (*See* D.E. No. 37).
4. Prior to filing the motion for default judgment, Plaintiff did not apply to the Court for an entry of default pursuant to Fed. R. Civ. P. 55(a). (*See Husain v. Casino Control Com'n*, 265 Fed. App'x 130, 133 (3d Cir. 2008) (finding that "entry of default by the Clerk under Federal Rule of Civil Procedure 55(a) constitutes a general prerequisite for a subsequent default judgment under Rule 55(b)") (citations omitted)).

5. Therefore, the Court denies Plaintiff's motion for default judgment and directs Plaintiff to seek default against the Defendants within 30 days of the date of this order. Thereafter, Plaintiff may refile the motion for default judgment.

Accordingly, IT IS on this 28<sup>th</sup> day of May, 2013, **ORDERED** that Plaintiff's motion is DENIED without prejudice.

s/Esther Salas  
**Esther Salas, U.S.D.J.**